

Meeting Notes
Task Group 4: Implementation
Riverside, California
January 26, 2000

Stakeholder Group Members Present: Anderson, Braeshear, Conner, Depoy, Ferguson, Jones, Kiriakos, Kober, Landowski, LaClaire, Lilburn, Mendoza, Rudnick, Scott, Veale, Waldheim

Staff Present: Haigh, LaPre, LaRue, Pilmer, Knaster, Diggins

Agenda Item #1 Discussion of Implementing Organization Options (JPA Model)

Valerie Pilmer described the Joint Powers Authority (JPA) model that staff had developed in accordance with directions at the December meeting. She emphasized that this proposal was prepared as a strawman for Task Group consideration and welcomed comments and suggestions on each of the components. Below is a summary of the Task Group discussion of the JPA model. Comments on possible other models to be considered is addressed in Agenda Item #2.

Governing Board Membership: The strawman model proposed a 6 member Board including BLM, DOD, 2 county and 2 city representatives (2 ex-officio members from the two advisory committees)

Comments:

- There were concerns expressed about limiting representation for the military, counties and cities. Although the group understood the value of having a smaller, more manageable governing group, they also felt that there would have to be broader participation for the JPA Board to be effective. Strong recommendation to add tribal representatives.
- Need to ensure that Board meetings would be open to the public.
- Questions about what would happen to the organization if one agency withdrew

Plan Administrator: appointed by the Board and responsible for day-to-day management of the Plan; could be employee of a non-profit under contract to the JPA, an employee of one of the member agencies or other qualified person hired by the Board.

Comments:

- Would administrator oversee the mitigation bank or would this be done independently?
- Concerns re delegation of BLM authority to an administrator e.g. enforcement . Administrator might not understand all of the BLM legal requirements and constraints.

This might be addressed if BLM staff person served as Administrator.

Stakeholder Advisory Committee: Advisory only. Composed of a single representative of general interest groups now on the Super Group (1 environmentalist, 1 recreation,

Comments:

- Similar reaction as with JPA Board. Representation needs to include more individual organizations since some groups considered to be part of the same interest caucus may have different missions.

Scientific Advisory Committee: Advisory only. comprised of representatives of USFWS, CDFG, academic biologist and biologist with local experience.

Comments:

- Need more members from scientific disciplines other than biology
- Need independence from JPA Board
- Questions as to whether Fish and Wildlife and Cal Fish and Game technical experts would have a conflict of interest since their agencies have granted the permits
- Could include independent scientists and scientists representing stakeholder groups

JPA as Implementing Authority(IA)

- Several members indicated that the JPA model would be acceptable with the modifications regarding additional representatives and greater neutrality for the Scientific Advisory Committee. Saw benefits of having the IA be a government entity 1) agencies could provide staff; 2) subject to Brown Act and other disclosure requirements; 3) added powers of an agency to implement programs; 3) greater buy-in from jurisdictions that will be the primary issuers of permits.
- Concerns that only government agencies can be decision-makers. This leaves out a number of the stakeholders who might not have any significant recourse if the Plan is not implemented accordingly to the intent and expectations of the Super Group.
- Again, questions about stability of JPA model. Would the organization continue if one member withdrew
- Will the JPA model be acceptable to the cities and counties. Members agreed that the task group needs to begin obtaining input from these jurisdictions as to their preferences.
- What is the success of other JPAs that have been formed to manage an HCP?

Agenda Item #2 Discussion of Other Models

Task Group members requested that staff develop a strawman for additional models to be considered at the next meeting. They also requested that staff present some assessment of the advantages and disadvantages of each model especially with respect to the powers of the Governing Board and long term stability. Two models were proposed for consideration, an MOU Model and a Land Trust Model. To assist staff in preparing additional models, members discussed some of their preferences for various aspects of each model.

MOU Model

- Representation from Government and NGOs (equal weight in decision-making)
- Broad membership per suggestions for JPA model
- Other features of the JPA model should be included (advisory committees, administrator) modified by the group's suggestions
- Suggest several options for selection and role of scientific advisors
- Could have large Governing Board (per Super Group) for budget, major policy direction with smaller executive committee for management decisions.

Land Trust Model (creation of a new trust, not contract with existing trust)

- Two trust models to be developed 1) NGO trust; 2) state conservancy trust (legislated such as Santa Monica Mountains Conservancy)
- Provide for "checks and balances" mechanism to provide oversight
- Advisory committee and "governing board" membership should be consistent with recommendations for JPA.
- Trust should not have land use authority; this is reserved for local jurisdictions.

Agenda Item #3 Next Meeting

The next Task Group meeting will be held on Wednesday, February 23 from 1:30 p.m. to 4:30 p.m. at the Riverside BLM office. The agenda will include a review of the additional IA models with the goal of trying to select an option or at least narrow choices that would be further developed into a proposal to the Super Group. Staff also will provide some initial background materials on mitigation banking. Members who have information on mitigation banks are welcome to provide some input to staff in advance of the session.